REMARKS

Amendment to the specification has been made in order to overcome the Examiner's objection too.

New drawings are not submitted in view of the cancellation of claim 18 rendering the requirement moot.

Claim 16 has also been amended to overcome the Examiner's rejection under 35 USC 112, second paragraph by the deletion of the term "turnbuckle".

The Examiner has rejected claims 20, 11, 16, 18, and 19 under 35 USC 102(b) as being anticipated by European Patent Application 055 2621. In this rejection, the Examiner states that a wedge 9 is disposed through claw openings 11 for causing displacement of the claws upon movement of the wedge within the opening in a wedge guiding direction with the wedge guiding direction being at an angle with respect to the clamping direction.

The Applicant submits that anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of the claimed invention. RCA Corp. v. Applied Digital Data Systems, Inc., 221 USPQ 385 (Fed. Cir. 1984); *In re* Sun, 31 USPQ 2d 1451 (CAFC 1993); Advanced Display Systems, Inc. v. Kent State University, 540 USPQ 2d 1673 (CAFC 2000); and Eli Lily v. Zenith Goldline, 810 USPQ 2d 324 (Fed. Cir. 2006); Net Money In, Inc. v. Verisign, Inc., 88 USPQ 2d 1451 (Fed. Cir. 2008).

Further, the Examiner must identify wherein each and every facet of the claimed invention is disclosed in the applied reference. *Ex Parte* Levy, 17 USPQ 2d 1461 (USPTO Board of Patent Appeals and Interferences 1990).

In addition, the Applicants submit that anticipation must meet strict standards, and unless all of the same elements are found in exactly the situation and united in the same way to form identical function in the single prior art reference, there is no anticipation. Tights, Inc. v. Acme McCary Corp., et al., 191 USPQ 305 (CAFC 1976).

Claim 20 has been amended to identify the wedge as a "slidable wedge". Support for this amendment may be found within the original specification and in particular the figures.

Bearing in mind the criteria hereinabove set forth for anticipation, it is clear that a prima facie case of anticipation under 35 USC 102(b) cannot be established for the amended claims by reliance on the European Patent Application (EP '621).

Specifically, element 9 referred to by the Examiner is, in fact, a "threaded bolt", see column 2, lines 31, 32 of the '621 reference. Thus, it must be clear that the rotating bolt 9 of '621 is not the equivalent in structure, function, or result as the slidable wedge of the present invention. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

Claims 20, 16, 18, and 19 have been rejected by the Examiner under 35 USC 102(b) as being anticipated by German DE 354 52 73. This reference provides for a wedge which is guided vertically in the clamping direction. That is, there is no inclination of the wedge guided direction as is set forth in independent claim 20 wherein the guiding direction is defined as being at an angle α with respect to the clamping direction. It must be concluded that the basis for anticipation hereinabove set forth that a prima facie case of anticipation cannot be made under 35 USC 102(b) on the basis of the '273 reference. The Examiner is respectfully requested to withdraw this rejection.

Claim 21 and 22 have been rejected by the Examiner under 35 USC 102(b) as being anticipated, or in the alternative under 35 USC 103(a) as being obvious over the European Patent Application 055 2621. In addition, these claims have been rejected

under 35 USC 102(b) as being anticipated or, in the alternative, under 35 USC 102(a) as being obvious over German '273 (the Applicant believes that the double reference to EP '621 occurring on page 6 of the Office Action is an error).

Further, claims 13 and 14 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over European Patent Application 0552621.

In response, the Applicant reiterates the arguments hereinabove set forth with regard to the rejection of claim 20 and submits that if an independent claim is not anticipated or non-obvious than any claim depending therefrom is non-obvious and not anticipated. *In re* Fine, 5 USPQ 2d 1596 (Fed. Cir. 1988). Therefore, the Applicant respectfully requests the Examiner to withdraw all rejections of the claims.

In view of the arguments hereinabove set forth and amendment to the claims and specification, it is submitted that each of the claims now in the application define patentable subject matter not anticipated by the art of record and not obvious to one skilled in this field who is aware of the references of record. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

Walter A. Hackler, Reg. No. 27,792
Attorney of Record
2372 S.E. Bristol, Suite B
Newport Beach, California 92660
Tel: (949) 851-5010
Fax: (949) 752-1925